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DISPOSITION WORKSHEET

Case Number: IAB IV2073268
Subject: Galloway, Scott M #[redacted]Deputy Generalist
Investigator: Lieutenant W.T. Carey
Advocate: None

CASE SUMMARY:

On September 13, 2002, at approximately 1630 hours, Subject Galloway submitted a Palmdale Station "Void Urn" form (Exhibit A) to cancel a file number he had drawn on August 31, 2002. The form indicated the file number was to be canceled because the informant was not desirous of prosecution of a shoplifter. Watch Sergeant K. Wright #[redacted]who received the form called the informant (Witness [redacted] to conduct a service audit of the call.

Witness[redacted] said he had been very desirous of prosecuting the suspect and had told Subject Galloway so. He said Subject Galloway told him he (Galloway) could not arrest the suspect or even write a report without official store paperwork documenting the facts of the case. Witness [redacted] said he was unable to provide Subject Galloway with such paperwork and, after Subject Galloway refused to accept his handwritten statement, the suspect was released.

A security officer (Witness [redacted] who had originally detained the suspect, and was present during the discussion between Subject Galloway and Witness [redacted] corroborated Witness [redacted]'s story.

When interviewed, Subject Galloway admitted to telling Witness [redacted]he "needed a written statement to make the case stronger"and admitted to telling Witness [redacted]his handwritten statement "isn't going to cut it", but denied refusing to accept the arrest and could not explain why Witness [redacted]corroborated Witness [redacted]story while contradicting his (Galloway's) story.

Witness #1: [redacted] **MB/**[redacted]
Home: [redacted]
Home phone #[redacted]
Work: **Athletic Shoe Express**
3650 Martin Luther King Bl., Los Angeles, Ca. 90008
Work phone #[redacted]

After receiving Subject Galloway's "Void URN" form, Sergeant Wright spoke via phone with Witness [redacted] on September 13, 2002 at approximately 1700 hours. This conversation was on the Watch Sergeant's line which is normally automatically recorded. However, when he attempted to retrieve the recording, he found that, for some unknown reason, the line had stopped recording some time before he made this call. Due to this fact, he called and spoke with Witness [redacted] again on September 17, 2002 at approximately 1941 hours. Sergeant Wright did this on the Watch Commander's line which successfully recorded the call. (Copy of call submitted, Tape #2).

Witness [redacted] was the manager of the victim store, Athletic Express. Sergeant Wright asked Witness [redacted] about the facts surrounding the incident. W/[redacted] told him he confronted the suspect after he left the store with concealed merchandise for which he had not paid. Witness [redacted] summoned an Antelope Valley Mall security officer (Witness [redacted]. Witness [redacted] recovered the stolen property from the suspect and advised Witness [redacted] he "wanted to press charges" against the suspect. He said the security officer escorted the suspect to the security office and called Palmdale Sheriff's Station.

Witness [redacted] said he left the security office to return to his store and give directions to employees. He was called back to the security office when Subject Galloway arrived. Witness [redacted] said he was very desirous of having the suspect arrested and told Subject Galloway so. He said Subject Galloway asked him for "the form." Witness [redacted] said he did not understand what Subject Galloway was talking about, but eventually came to understand he was talking about some kind of official store paperwork detailing the facts of the incident.

Witness [redacted] said he told Subject Galloway he did not have such a form. He said Subject Galloway told him he (Galloway) could not write out a report or arrest the suspect without "a form." He said he asked Subject Galloway if he (Galloway) could write out a report covering the incident.
He said Subject Galloway told him he could not. Witness [redacted] said he left the security office to contact the manager of the Footlocker Store (an Athletic Express affiliate) to inquire regarding any such company forms. That manager told him there were no such company forms and that the police always took care of any needed reports. Witness [redacted] then called his immediate supervisor who gave him the same information.
Witness [redacted] said he prepared a handwritten statement on a blank piece of paper

which he then gave to Subject Galloway. He said Subject Galloway read the paper and told him he could not use the statement because "it wouldn't stand up in court."

Below is a verbatim excerpt of Witness [redacted] statement:

When I went back down there (Mall Security Office), that's when I talked to the guy (Subject Galloway). He asked me did I want to press charges and I told him I wanted to press charges and he told me that I needed a form. And he's like the only way that I can actually take him is if I have this form.

And he was the one he said that I needed a form. All the other stores in the mall they usually have a form that you fill out that basically, you know, you write a statement on. And I told him I didn't have a form and that only thing I could do is I could write it down on a piece of paper. And I wrote it down on a piece of paper basically what happened and then he looked at it and he told me that he couldn't use that and that he couldn't write out a report or take him without this form.

(For review of the above statement, refer to Tape #2 190-201)

Witness [redacted] said there was an Antelope Valley Mall security officer present during his conversation with Subject Galloway.

Witness #2 [redacted] MW/[redacted]
[redacted]
Home phone #[redacted]
Work phone #[redacted]

On 09/17/02, Sergeant Wright spoke via phone with Security Officer [redacted] (MW/[redacted]) regarding the incident. Officer [redacted] statement closely matched Witness [redacted] statement. In particular, he corroborated Witness [redacted] statement that Subject Galloway told Witness [redacted] he (Galloway) could not arrest the suspect without a form from the business and that the handwritten note by Witness [redacted] was insufficient. He confirmed Subject Galloway's statement that he (Galloway) told Witness [redacted] he ([redacted]) would have to do a private person's arrest and appear in court on the matter. However, Witness [redacted] contradicted Subject Galloway's statements that Witness [redacted] never told him he was desirous of prosecution and Subject Galloway's statement that he never told Witness [redacted] he could not take any action without paperwork from him ([redacted]).

Below are two verbatim excerpts from my conversation with Witness [redacted].

"We called the Sheriff's Department because what happened was the store said they wanted to prosecute. So therefore we brought him (the suspect) back and detained him. He was very cooperative. At which time the deputy showed up, asked for the paperwork from the store to do a private person's arrest. And the store did not have any paperwork done at all, no report or nothing. So on the grounds that the deputy said, 'Well hey, you know I have to have a statement from you of what happened, what you saw on your store paperwork.

He (Witness [redacted] goes, 'Well, we never had anything like that from our store, we just call you guys (Sheriff's Department) and you guys just take him.' ***So that's why the deputy said, ' Well, I can't take this guy unless I have a written statement from you guys.'***

(For review of the above statement, refer to Tape # 2: 22-35)

*"**He (Witness [redacted] said he wanted to prosecute that's basically what it comes down to** and the Deputy explained to him that, "Hey , you know what, it was a misdemeanor not committed in my presence. That you know, hey, you're going to do a private person's arrest is what is going to happen and you'll have to go to court and show up on it. And at that time the guy says, "Ok, well let me go contact my supervisor." The guy had to go back to the store and contact one of the store management and he came back and the store management told the worker, 'Hey, you know what, we don't have any paperwork to write down anything about this..." ..**this guy (Witness [redacted] didn't have nothing he's just saying, 'Hey, I want to prosecute'**.*

(For review of the above statement, refer to Tape #2 :42-51)

Subject - Galloway, Scott M. #[redacted]
Palmdale Station
Advocate: None

Sergeant Wright contacted Subject Galloway on 10/03/02 at approximately 1850 hours to advise him of the existence of this investigation and of his right to representation. I (Lieutenant Carey) was present at this time. Subject Galloway said he wanted to consult with a union (ALADS) representative prior to speaking with us further. We did not question him further at this time.

Subject Galloway recontacted Sergeant Wright in the field at approximately 2100 hours. He said he had conferred with union (ALADS) Unit Representative Deputy James Wheeler and was willing to be interviewed regarding the matter without a representative present. Due to a busy call load, we were not able to meet with Subject Galloway on this date.

Sergeant Wright and I met with Subject Galloway at Palmdale Station on 10/05/02, at approximately 1715 hours. While tape recording the interview, Sergeant Wright first presented him with a copy of the Administrative Rights Admonition form and had him read the same. Subject Galloway read and signed the form, indicating he understood the admonitions, however, he said he did not have a copy of the Policy and Ethics Chapter of the Manual of Policy and Procedures.

We discontinued the interview at this time and Subject Galloway returned to the field while Sergeant Wright produced a copy of the above chapter from the Manual of Policy and Procedures. Sergeant Wright met Subject Galloway in the field and provided him with the copy after having listed the following sections on the front page, suggesting he pay particular attention to them:

3-01/000.00	Policy and Ethics
3-01/005.00	Accountability
3-01/040.70	False Statements
3-01/040.75	Failure to Make Statements and/or Making False Statements During Departmental Internal Investigation
3-01/050.10	Performance to Standards
3-01/050.15	Duties of Deputy Personnel
3-01/050.20	Duties of All members
3-01/100.35	False Information in Records

Subject Galloway recontacted Sergeant Wright in the field and advised him he had reviewed the listed sections and was now familiar with them. We resumed the interview at Palmdale Station on 10/05/02 at approximately 2130 hours. Subject Galloway waived his right to counsel at this time.

Subject Galloway reviewed a copy of the Incident Details (Attachment "D") for the incident at hand. He said he was familiar with the incident. He said he went to the Antelope Valley Mall

Security Office in response to a call regarding a shoplifting suspect. He said "Security Officer [redacted] and the suspect were present at the time. He said Officer [redacted] told him he (Witness [redacted] had told Witness [redacted] to get the store paperwork ready to be given to him (Subject Galloway) upon his arrival.

Subject Galloway said he Mirandized the suspect and obtained his identifying information. He then went out his radio car, obtained a report number. He said he wrote the face page and a cite and returned back to the security office. Regarding the suspect's statement, Subject Galloway said he admitted to taking the shoes, but said he had done so accidentally.

Sergeant Wright asked Subject Galloway if he was under the impression at this time, that someone was desirous of prosecution of the suspect. He said he had formed that opinion based on the fact he had been called to the scene.

When Subject Galloway returned to the office Witness [redacted] was then present. Subject Galloway said Witness [redacted] related his account of the incident leading to the suspect's being detained by Witness [redacted] and Security Officer [redacted] Subject Galloway said that, based on Witness [redacted] account, it appeared the elements of a crime were present. He said Witness [redacted] never used any verbiage which would indicate he wanted the suspect arrested, charges pressed, etc. Subject Galloway said he and Witness [redacted] had a discussion about the store's policy regarding prosecution of suspects because he had no paperwork for him (Subject Galloway). Subject Galloway said he then told Witness [redacted] he would like, or needed, a statement from him explaining what he saw, what actions were taken and what was stolen. Subject Galloway again asked Witness [redacted] if his store had a policy regarding prosecuting suspects. Subject Galloway said he told Witness [redacted] to write his explanation on a piece of paper. He said Witness [redacted] went back to his store and attempted to look up any policy on the subject, but could not find any. He returned and told Subject Galloway his store did not have any such forms. Subject Galloway said Witness [redacted] wrote a brief statement on a piece of paper which essentially read, "A guy came in the store and stole some shoes." Subject Galloway said he read the note and told Witness [redacted] "This isn't going to cut it."
Subject Galloway said he went back to the Mall Security office and was again joined by Witness [redacted] who told him he could not find any store policy regarding the matter. He said he told Witness [redacted] "Well, it's up to you if you want to prosecute, You're the one whose placing him under citizen's arrest. What do you want me to do?" Subject Galloway said Witness [redacted] told him not to arrest the suspect.

Subject Galloway said he never told Witness [redacted] he could not take the suspect into custody without his store providing some kind of paperwork

Although Subject Galloway said he did not **require** store paperwork from Witness [redacted] as a condition of arresting the suspect, he said he did tell Witness [redacted] he **needed** such paperwork to make the case stronger as noted in the following verbatim statement by Subject Galloway:

We had a discussion about his store's policy on prosecuting because he had no paperwork for me and I said that to make the case stronger I would like, ***or I need,*** *a statement from you , What you did, or what you saw the suspect do, what you did, you know what actions were taken and what was stolen. And he said that his store didn't have any of those forms.* ***So I said OK, well, can you write it on a piece of paper which he did. And he wrote down something to the effect of " a guy came into the store and stole a pair of shoes. And I said, You know, this isn't going to cut it.***

(For review of the above statement, refer to Tape #2 :141-150)

Subject Galloway said he did not have the statement Witness [redacted] wrote for him.

When asked, Subject Galloway said , according to his understanding, the only paperwork required for a private person's arrest was the Private Person's Arrest Form provided by the Department.

Subject Galloway said he had "run" the suspect for warrants via his MDT and had already obtained clearance from a sergeant (Whom he could not recall) to release him. When asked if he had "run" the suspect for prior convictions, he said he could not be sure, but believed he had done so since he had already "called the sergeant to get the OK" [to release him]. He said he would have done so by having the secretaries "run" his record. Sergeant Wright showed Subject Galloway the Void URN form he saw Subject Galloway submit on 09/13/02. He examined the same and said he remembered completing and submitting the same. Sergeant Wright played the recordings of Witness [redacted] and Witness [redacted] statements for Subject Galloway and asked if he had any explanation how the two gave statements which supported each other, but contradicted his statement. He repeated his previous statement and said he did not know what else to say.

After retrieving the face page (Attachment "E") and citation (Attachment "F") he had completed on the day of the incident, Subject Galloway said that, with the completion of the citation and face page of the report, he "already had half the work done" and, had Witness [redacted] wanted to prosecute it would have required only a few more steps. He again said he did not tell Witness [redacted] "I'm not doing this."

We terminated our interview at this time.

After receiving and reviewing the MDT traffic mentioned under **Intent**, Sergeant Wright and I reinterviewed Subject Galloway on 11/16/02. Subject Galloway was readvised of his rights and provided an Administrative Rights Admonition form which re -read and signed. Subject Galloway again declined representation.

During this interview, Subject Galloway was presented with the printed MDT traffic which we reviewed line by line. Subject Galloway acknowledged sending and receiving the various MDT messages regarding "212ing " calls. He acknowledged the MDT traffic appeared to record a challenge to "212" back-to-back [redacted] calls and the acceptance of

the challenge. Subject Galloway said the MDT traffic was just "fun and games" and not a reflection of his true intent. When asked what he meant by the statement that he was able to "212" this call because he "started yelling this time", he said he could not recall what he meant by that traffic and reiterated that the entire exchange was all "just fun and games". When asked why he had originally typed that he could not "212" the call, he could not recall why he had sent that message.

While checking the audio tape of the second interview of Subject Galloway, Sergeant Wright found the tape recorder had recorded none of that interview. It is not clear why this happened. It appeared the tape player had been on, but not properly recording.

Sergeant Wright and I reinterviewed Subject Galloway on 12/11/02 at 2146 hours, this time ensuring the tape recorder was working properly.
Sergeant Wright first had Subject Galloway review the Administrative Rights Admonition form he had signed on 11/16/02. Subject Galloway reviewed the form, said he remembered signing the same and confirmed it was his signature on the "subject" line at the bottom. Subject Galloway again declined representation when offered by Sergeant Wright.

Subject Galloway reaffirmed his answers given during the interview on 11/16/02, again acknowledging the content of the MDT traffic, the apparent challenge by Unit 264 to [redacted] the subject call, his apparent acceptance of the challenge, and his apparent pride over being able to clear the call with a [redacted]

The only difference in this interview was Subject Galloway's explanation of his MDT statement [redacted] In the interview on 11/16/02 Subject Galloway said he could not recall what he meant by that statement. He now said he had thought about it since the last interview and remembered a [redacted] call just previous to the subject call had involved an eleven-year-old and twelve-year-old and the store had not been desirous of having any action taken. He said when he saw the subject call involved an adult, he first assumed he would not be able to clear the call with a [redacted]

Subject Galloway was given the opportunity to add any additional information, explanation or statements pertinent to this investigation. He said he had nothing to add.

The interview was terminated at this time.



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

April 23, 2003

Deputy Scott Galloway, #[redacted]
[redacted]

Dear Deputy Galloway:

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of fifteen (15) days.

An investigation under File Number IAB 2073268, conducted by Palmdale Station, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/050.10, Performance to Standards, on or about August 31, 2002, you failed to take appropriate action on the occasion of a crime, disorder or other condition deserving police action in that you refused to accept a lawful arrest from Witness [redacted] although the elements of a crime had been satisfactorily articulated.

2. That in violation of Manual of Policy and Procedures Section 3-01/030.10, Obedience to Laws, Regulations and Orders, on or about August 31, 2002, while having authority to do so, you refused to receive a person charged with a criminal offense as specified in California Penal Code 142(a).

3. That in violation of Manual of Policy and Procedures Section 3-01/030.05, General Behavior, on or about August 31, 2002, you failed to take proper police action, leading to the dissatisfaction of Witness [redacted] who had sought the assistance of the Department in this matter

and had trusted the Department and its employees to take proper action. By your actions, you have brought discredit upon yourself and the Sheriff's Department.

4. That in violation of Manual of Policy and Procedures Section 3-01/040.70, False Statements, on or about September 13, 2002, you provided false information in a submitted report by indicating that Witness [redacted] was non-desirous of prosecution and had so stated this to you.

5. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, on or about November 16, 2002, you provided false statements when interviewed in that you said Witness [redacted] had never expressed a desire to prosecute the suspect and that you had not refused to accept the arrest, in direct contradiction to the statements given by Witness [redacted] and Witness [redacted]

Prior to determining this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

You may receive a copy of the material on which the discipline is based by contacting Luci Guillen of the Internal Affairs Bureau at [redacted] and arranging an appointment during the ten (10) day period in which you may respond.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Terence P. Judge, Captain
Commander, Palmdale Station

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Terence P. Judge, Captain
Commander, Palmdale Station

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

TPJ:EBS:rjb

c: Advocacy Unit
Neal B. Tyler, Chief, Field Operations Region I
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
Palmdale Station/Unit Personnel File



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

June 26, 2003

Deputy Scott Galloway, #[redacted]
[redacted]

Dear Deputy Galloway:

On April 23, 2003, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2073268. You were also advised of your right to review the material on which the discipline was based.

You did not exercise your right to respond. The grievance period involved has now elapsed, with no change in discipline.

You are hereby notified that you were suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of fifteen (15) days effective June 7, 2003 through June 21, 2003.

An investigation under File Number IAB 2073268, conducted by Palmdale Sation, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/050.10, Performance to Standards, on or about August 31, 2002, you failed to take appropriate action on the occasion of a crime, disorder or other condition deserving police action in that you refused to accept a lawful arrest from Witness [redacted] although the elements of a crime had been satisfactorily articulated.

2. That in violation of Manual of Policy and Procedures Section 3-01/030.10, Obedience to Laws, Regulations and Orders, on or about August 31, 2002, while having authority to do so, you refused to receive

a person charged with a criminal offense as specified in California Penal Code 142(a).

3. That in violation of Manual of Policy and Procedures Section 3-01/030.05, General Behavior, on or about August 31, 2002, you failed to take proper police action, leading to the dissatisfaction of Witness [redacted] who had sought the assistance of the Department in this matter and had trusted the Department and its employees to take proper action. By your actions, you have brought discredit upon yourself and the Sheriff's Department.

4. That in violation of Manual of Policy and Procedures Section 3-01/040.70, False Statements, on or about September 13, 2002, you provided false information in a submitted report by indicating that Witness [redacted] was non-desirous of prosecution and had so stated this to you.

5. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, on or about November 16, 2002, you provided false statements when interviewed in that you said Witness [redacted] had never expressed a desire to prosecute the suspect and that you had not refused to accept the arrest, in direct contradiction to the statements given by Witness [redacted] and Witness [redacted]

Prior to imposing this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05, and 18.01 of the Civil Service Rules.

Within fifteen (15) business days from the date of service of this notice of suspension, you may request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

TPJ:DHB:lg

c: Advocacy Unit
Employee Relations Unit
Neal B. Tyler, Chief, Field Operations Region I
Internal Affairs Bureau
Office of Independent Review (OIR)
(File # IAB 2073268)